

Response After Final Rejection  
Serial No. 10/030,098  
Attorney Docket No. 011713

**REMARKS**

Claims 1-11 are pending in the present application and are rejected.

**Applicants' Response to the Evidence of Official Notice**

In the previous Office Action, the Examiner took official notice of the designation of a deadline for purchasing or finding a desired product and of the use of computer readable media to store programs to cause computers to carry out their intended functions. In response, Applicants requested that the Examiner provide evidence of these concepts.

In the present Office Action, the Examiner has cited the **Gerstner** article, “**Temporal Price Dispersion**” and the **Microsoft Press Computer Dictionary** to support the holding of official notice. In response, Applicants respectfully argue against the Examiner’s official notice of the designation of a deadline for purchase of a product.

The claims recite the designation of “a deadline for the *answer of said investigation*.” Despite this, the Office Action takes official notice of the designation of “a deadline for *finding or purchasing a desired product*” by citing an article regarding Christmas shopping. Applicants submit that a deadline for the *answer of an investigation* is different from the deadline for *finding or purchasing a product*, since they are different actions.

Response After Final Rejection  
Serial No. 10/030,098  
Attorney Docket No. 011713

**Applicants' Response to Claim Rejections under 35 U.S.C. §103**

**Claims 1, 2, 4, 5, 7, 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hulls (U.S. Patent Application Publication 2001/0032229) in view of the abstract “Pat Ludwick: Kicking the Tires for Used-Car Buyers (“Pat Ludwick article”).**

As in the previous Office Action, the present Office Action argues that **Hull** discloses an information service method. In the most recent amendment, the claims were amended to recite a physical investigation, since **Hulls** only discloses electronic contact between the parties. The pending Office Action states that “**Hulls** does not disclose that the investigation is a physical investigation but it is well known [to] conduct physical investigations as taught by the ‘**Pat Ludwick article.**’”

In **Hulls**, the agent appears to be involved in aiding buyers and sellers with listing and searching items for sale. In other words, the agent helps the buyer and seller to contact each other. Please see, for instance, abstract and paragraph [0031]. **Hulls** contains no disclosure or suggestion of an agent physically inspecting a product as recited in the claims. In fact, it is evident from Figure 1 that the agent’s only contact with other parties is electronic.

The **Pat Ludwick** article discusses a company called “Auto Critic” which sells its services of auto appraisals by licensed mechanics. The article contains no suggestion or disclosure of the use of a network. Although the article states that the inspections are done at any location “directed by the customer,” there is no disclosure of any electronic communication over a network between any of the parties.

Response After Final Rejection  
Serial No. 10/030,098  
Attorney Docket No. 011713

In response to the pending rejections, Applicants respectfully submit that the combination of the **Hulls** application and the **Pat Ludwick article** would not have been obvious to one having ordinary skill in the art at the time of invention. The **Hulls** reference contains no disclosure or suggestion of the use of or need for a physical investigation of a product. Furthermore, the disclosure in **Hulls** of only electronic contact between parties actually teaches away from the use of a physical inspection.

Additionally, the **Pat Ludwick article** contains no disclosure or suggestion of the use of a network. Since neither reference contains a suggestion or motivation to combine the two references, Applicants respectfully argue that combining the system for commercial transaction of **Hulls** with the physical investigations of a product of the **Pat Ludwick article** would not have been obvious to one having ordinary skill in the art at the time the invention was made.

Even if **Hulls** and the **Pat Ludwick article** were properly combined, such a combination would not provide *prima facie* obviousness. In **Hulls**, the agent appears to be involved in aiding buyers and sellers with listing and searching items for sale. In other words, the agent helps the buyer and seller to contact each other, and does not perform an investigation. The **Pat Ludwick article** only discloses a physical inspection of an item. Thus a combination of the two references would teach only a system in which an *agent* aids the buyer and seller in listing and searching the product via a computer network, while an *inspector* who is not ordered via a computer network performs an investigation of a product, and does not provide the obtained information via a computer network.

Response After Final Rejection  
Serial No. 10/030,098  
Attorney Docket No. 011713

In contrast, the present invention discloses a method in which a physical investigation of a product by an agent is ordered via a network, with the obtained information being provided via a network. Claim 1 recites:

[a]n information service method for providing information via a network including a first information-processing apparatus and a second information-processing apparatus, said information service method comprising steps of: inputting identification information of a product for purchase from a user of said network to said first information-processing apparatus; inputting an order for a surrogate investigation of said product from said user to said first information-processing apparatus; transmitting identification information of said user, identification information of said product, and an instruction on said surrogate investigation from said first information-processing apparatus to said second information-processing apparatus; storing said user identification information and said product identification information in said second information-processing apparatus; calling said product identification information from said second information-processing apparatus to identify said product so as to conduct a physical investigation of said identified product by an appointed investigation agent; and providing information obtained from said investigation to said user identified on the basis of said user identification information.

This is not disclosed by the combination of **Hulls** and the **Pat Ludwick article**. Therefore, Applicants respectfully traverse the rejection.

**Claims 3, 6, 8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hulls (U.S. Patent Application Publication 2001/0032229) in view of the “Pat Ludwick article,” and in further view of official notice.**

The Office Action rejects these dependent claims on the basis of Official Notice directed towards the obviousness of deadline for investigation and the use of a computer-readable

Response After Final Rejection  
Serial No. 10/030,098  
Attorney Docket No. 011713

medium. In response, Applicants argue that claims 8 and 10 are patentable due to their dependency on the independent claim 7.

With regard to claims 3 and 6, Applicants additionally argue that the combination of **Hulls**, the **Pat Ludwick article**, and the official notice does not establish *prima facie* obviousness. As discussed above, the office notice with regard to deadlines is misplaced, as the claims are directed at a deadline for the *answer of an inspection*, rather than a deadline for *purchasing or finding a product*.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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